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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

15 **STEVEN RUPP; STEVEN**
16 **DEMBER; CHERYL JOHNSON;**
17 **MICHAEL JONES;**
18 **CHRISTOPHER SEIFERT;**
19 **ALFONSO VALENCIA; TROY**
20 **WILLIS; and CALIFORNIA RIFLE**
21 **& PISTOL ASSOCIATION,**
22 **INCORPORATED,**

23 Plaintiffs,

24 v.

25 **ROB BONTA, in his official capacity**
26 **as Attorney General of the State of**
27 **California; and DOES 1-10,**

28 Defendants.

Case No. 8:17-cv-00746-JLS-JDE

**DEFENDANT'S NOTICE OF
SUPPLEMENTAL AUTHORITY**

Courtroom: 8A
Judge: Hon. Josephine L. Staton
Trial Date: None set
Action Filed: April 24, 2017

TO THE COURT, THE PARTIES, AND THEIR COUNSEL OF RECORD:

Defendant Rob Bonta, in his official capacity as Attorney General of the State of California, hereby submits this Notice of Supplemental Authority. On February 22, 2024, the United States Court of Appeals for the Ninth Circuit issued an order providing that the case of *Teter v. Lopez*, No. 20-15948 (9th Cir.), will be reheard en banc, vacating the three-judge panel opinion. Accordingly, *Teter v. Lopez*, 76 F.4th 938 (9th Cir. 2023), is no longer binding authority.

The Ninth Circuit's order is relevant to this case because the vacated *Teter* opinion was cited in Plaintiffs' Notice of Supplemental Authority, Dkt. 158, and discussed during the September 8, 2023 hearing on the parties' motions for summary judgment.

A true and correct copy of the Ninth Circuit's order granting rehearing en banc in *Teter* is attached hereto as **Exhibit 1**.

Dated: February 23, 2024

Respectfully submitted,

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/s/ John D. Echeverria

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in his official capacity*

EXHIBIT 1

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2024

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANDREW TETER; JAMES GRELL,

Plaintiffs-Appellants,

v.

ANNE E. LOPEZ; DARRYL NG,

Defendants-Appellees.

No. 20-15948

D.C. No.

1:19-cv-00183-ACK-WRP

District of Hawaii,

Honolulu

ORDER

MURGUIA, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion is vacated.

Judges Owens and Bennett did not participate in the deliberations or vote in this case.